

HHS Fiscal Year 2018 Freedom of Information Annual Report

I. Basic Information Regarding Report

1. Name, title, address, and telephone number of person(s) to be contacted with questions about the Report:

Michael S. Marquis

Director, Freedom of Information/Privacy Acts Division

Office of the Assistant Secretary for Public Affairs

United States Department of Health and Human Services

200 Independence Avenue, S.W., Suite 729H

Washington, D.C. 20201

(202) 690-7453

2. Electronic Address for this Report on the World Wide Web:

<https://www.hhs.gov/foia/reports/annual-reports/index.html>

3. Address for Paper Copies of this Report

Contact Michael Marquis or Michael Bell, FOIA Public Liaison, at the address or telephone number listed above, or at: <http://www.hhs.gov/foia/contacts/index.html>

II. Making a FOIA Request

1. HHS and Operating Division Freedom of Information Officers/FOIA Requester Service Centers:

Department of Health and Human Services (HHS):

Website: <http://www.hhs.gov/foia>

Freedom of Information Act Officer

Hubert H. Humphrey Building

200 Independence Avenue, S.W., Suite 729H

Washington, D.C. 20201

Phone: (202) 690-7453

Administration for Children and Families (ACF):

Website: <https://www.acf.hhs.gov/freedom-of-information-act>

Freedom of Information Act Officer

Mary E. Switzer Building

330 C Street, S.W., Room 4004

Washington, D.C. 20201

Phone: 202-401-9215

Administration for Community Living (ACL):

Website: http://www.aci.gov/Site_Utilities/FOIA/index.aspx

Freedom of Information Act Officer

Administration for Community Living

Washington, D.C. 20201

Phone: 202-357-3540

Agency for Healthcare Research and Quality (AHRQ):

Website: <https://www.ahrq.gov/policy/foia/index.html>

Freedom of Information Act Officer

Hubert H. Humphrey Building

200 Independence Avenue, S.W., Suite 729H

Washington, D.C. 20201

Phone: (202) 260-6933

Centers for Disease Control and Prevention (CDC):

Website: <http://www.cdc.gov/od/foia/>

Freedom of Information Act Officer

1600 Clifton Road, N.E., MS D-54

Atlanta, Georgia 30333

Phone: 770-488-6277

Centers for Medicare & Medicaid Services (CMS):

Website: <http://www.cms.hhs.gov/foia/>

Freedom of Information Act Officer

North Building, Room N2-20-06

7500 Security Boulevard

Baltimore, Maryland 21244

Phone: 410-786-5353

Food and Drug Administration (FDA):

Website: <http://www.fda.gov/RegulatoryInformation/foi/>

Freedom of Information Act Officer
Division of Freedom of Information
Office the Executive Secretariat, OC
5630 Fishers Lane, Room 1035
Rockville, Maryland 20857
Phone: 301-796-3900

Health Resources and Services Administration (HRSA):

Website: <http://www.hrsa.gov/foia/>
Freedom of Information Act Officer
5600 Fishers Lane, Room 13-N82
Rockville, Maryland 20857
Phone: 301-443-2865

Indian Health Service (IHS):

Website: <http://www.ihs.gov/AdminMngrResources/FOIA/>
Freedom of Information Act Officer
5600 Fishers Lane, Mailstop 09E70
Rockville, Maryland 20857
Phone: 301-443-1116

National Institutes of Health (NIH):

Website: <http://www.nih.gov/icd/od/foia/>
Freedom of Information Act Officer
Building 31, Room 5B35
31 Center Drive
Bethesda, Maryland 20892-2107
Phone: 301-496-5633

Office of the Assistant Secretary for Health (OASH), including the U.S. Public Health Service:

Website: <http://www.hhs.gov/foia>
Freedom of Information Act Officer
Hubert H. Humphrey Building
200 Independence Avenue, S.W., Suite 729H
Washington, D.C. 20201
Phone: (202) 260-6933

Office of Inspector General (OIG):

Website: <http://oig.hhs.gov/foia/>

Freedom of Information Act Officer

Cohen Building, Suite 1062

330 Independence Ave, S.W.

Washington, D.C. 20201

Phone: 202-619-2541

Substance Abuse and Mental Health Services Administration (SAMHSA):

Website: <http://www.samhsa.gov/foia/>

Freedom of Information Act Officer

5600 Fishers Lane, Room 18E73D

Rockville, Maryland 20857

Phone: 240-276-2000

2. Brief description of why some requests are not granted: Documents requested were protected by an exemption and release would have caused harm to the interest protected by the exemption. Information withheld may include home addresses and phone numbers, social security numbers, medical records, proprietary business records, investigatory records, that if released may interfere with open investigations, and drafts of documents.

3. HHS FOIA Regulations:

<https://www.ecfr.gov/cgi-bin/text-idx?>

SID=790457d918cfcebe483689ef4ac40bf&mc=true&tpl=/ecfrbrowse/Title45/45cfr5_main_02.tpl

III. Agency Component Abbreviations

Component Abbreviation	Component Name
OS	Office of the Secretary
ACF	Administration for Children and Families
ACL	Administration for Community Living
CDC	Centers for Disease Control and Prevention and Agency for Toxic Substances and Disease Registry
CMS	Centers for Medicare & Medicaid Services

Component Abbreviation	Component Name
FDA	Food and Drug Administration
HRSA	Health Resources and Services Administration
IHS	Indian Health Service
NIH	National Institutes of Health
OASH	Office of Assistant Secretary for Health
OIG	Office of Inspector General
SAMHSA	Substance Abuse and Mental Health Services Administration

IV. Exemption 3 Statutes

Statute	Type of Information Withheld	Case Citation	Age	Number of Time / Case upon which by Agency / Complaints	Total Number of Times Relied upon by Agency
42 U.S.C. § 242m(d)	Identifiable information for certain research and statistical activities	N/A	C D C	15	15

5 U.S.C. app. 4 § 107(a) (2) (Ethic s in Gover nment Act of 1978)	Confidential financial disclosure report pertaining to certain government employees.	Meyerhoff v. EPA, 958 F.2d 1498, 1500-02 (9th Cir. 1992); Boyd v. Exec. Office for U.S. Attorneys, 161 F. Supp. 3d 1, 7 (D.D.C. 2015); Seife v. NIH, 874 F. Supp. 2d 248, 254 (S.D.N.Y. 2012).	C D C	1	3
			F D A	1	
			N I H	1	
42 U.S.C. § 262a(h)	Bioterrorism-related information	N/A	C D C	12	14
			O I G	2	
42 U.S.C. § 247d- 6b(d)	Information identifying the location at which materials in the stockpile under subsection (a) of this section	N/A	C D C	1	1

41	Contractor	Sinkfield v. HUD, No. 10-885,	C	4	60
U.S.C.	proposals that are	2012 U.S. Dist. LEXIS 35233,	D		
§	in the possession or	at *13-15 (S.D. Ohio Mar. 15,	C		
4702	control of an	2012); Margolin v. NASA, No.			
(forme	executive agency	09-CV-00421, 2011 WL			
rly at	and that have not	1303221, at *6 (D. Nev. Mar.			
41	been set forth or	31, 2011); Hornbostel v. U.S.			
U.S.C.	incorporated by	Dep't of the Interior, 305 F.			
§	reference into	Supp. 2d 21, 30 (D.D.C. 2003),			
253b(contracts	summary affirmance granted,			
m)(1))		No. 03-5257, 2004 WL			
		1900562 (D.C. Cir. Aug. 25,			
		2004).			
			C	48	
			M		
			S		
			F	3	
			D		
			A		
			H	2	
			R		
			S		
			A		
			O	3	
			A		
			S		
			H		

6 U.S.C. § 133(a) (1)	Protection of voluntarily shared critical infrastructure information	State case, mentioned in a foot note 7 - Bowling v. Office of Open Records, 990 A.2d 813 (Commw. Ct. Pa. 2010) "Records designated as critical infrastructure information are exempt from disclosure under the Freedom of Information Act (FOIA) as well as [**8] state and local disclosure laws. See FOIA, 5 U.S.C. § 552(b)(3) (protection from disclosure of records by statute); 6 U.S.C. § 133(a)(1)(A) (protection of voluntary shared critical infrastructure information)."	C D C	1	1
26 U.S.C. §§ 6103, 6105 (Intern al Reven ue Code)	Certain tax return information, to include Taxpayer Identification Numbers of third parties, and certain tax convention information	Church of Scientology v. IRS, 484 U.S. 9, 15 (1987) (26 U.S.C. § 6103); Elec. Privacy Info. Ctr. v. IRS, 910 F.3d 1232 (D.C. Cir. 2018); Leonard v. U.S. Dep't of Treasury, 590 F. App'x. 141, 143-44 (3d Cir. 2014) (per curiam); Pac. Fisheries, Inc. v. IRS, 395 F. App'x. 438, 440 (9th Cir. 2010) (unpublished disposition) (26 U.S.C. §§ 6103, 6105); Tax Analysts v. IRS, 217 F. Supp. 2d 23, 27-29 (D.D.C. 2002) (26 U.S.C. § 6105).	C M S	22	22
42 U.S.C. § 1320c -9(a)	Information related to Quality Improvement Organization records	N/A	C M S	2	2

21 U.S.C. § 331(j) (Food, Drug, and Cosm etic Act)	Certain information “concerning any method or process which as a trade secret is entitled to protection”	Anderson v. HHS, 907 F.2d 936, 950-51 (10th Cir. 1990).	F D A	20	20
21 U.S.C. § 350d(a)4	Food Registration Documents	N/A	F D A	1	1
42 U.S.C. § 282(j) (6)	Information submitted for publication on clinicaltrials.gov that is not otherwise publicly available	Grassetti v. Weinberger, 408 F. Supp. 142 (N.D. Cal. 1976) - However, the court upheld the agency's withholdings under 5 U.S.C. § 552(b) (4), (5), and (6) not (b)(3).	F D A	10	10
42 U.S.C. § 11137(b)(1)	National Practitioner Data Bank information	N/A	H R S A	3	3

42 U.S.C. § 300aa 12(d) (4)(A) (Natio nal Childh ood Vaccin e Injury Act of 1986)	"Except as provided in subparagraph (B), information submitted to a special master or the court in a proceeding on a petition [for compensation under the National Vaccine Injury Compensation Program] . . . without the express written consent of the person who submitted the information"		Long v. DOJ, 778 F. Supp. 2d 222, 234 (N.D.N.Y. 2011).	H R S A	6	6
25 U.S.C. § 1675(g)	Medical quality assurance records	N/A		I H S	1	1

7	Registration and	N/A		N	1	1
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	transfer documentation for listed biological agents and toxins, and information derived therefrom		I	H		
5 U.S.C. § 574(j)	Dispute resolution communications	N/A	N I H	3	3	
42 USC § 1320c -9(a)	Information related to Quality Improvement Organization records	N/A	O I G	1	1	
5 U.S.C. app. 3 § 7(b)	Names of employees who provide information or complaints to the Inspector General	N/A	O I G	47	47	

V. A. FOIA Requests -- Received, Processed and Pending FOIA Requests

Agency / Component	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
OS	753	1,573	1,016	1,310
ACF	165	533	290	408

Agency / Component	Number of Requests Pending as of Start of Fiscal Year	Number of Requests Received in Fiscal Year	Number of Requests Processed in Fiscal Year	Number of Requests Pending as of End of Fiscal Year
ACL	1	75	74	2
CDC	163	1,186	1,219	130
CMS	1,830	17,926	17,791	1,965
FDA	2,670	10,256	9,925	3,001
HRSA	35	280	282	33
IHS	26	163	123	66
NIH	284	1,426	1,266	444
OASH	105	353	221	237
OIG	37	1,506	1,520	23
SAMHSA	28	168	149	47
AGENCY OVERALL	6,097	35,445	33,876	7,666

Due to data entry delays in reporting the correct ending / beginning pending case counts, the following changes are reported for the HHS components:

OS reported 747 at the end of FY 2017, 753 at the beginning of FY 2018

CDC reported 161 at the end of FY 2017, 163 at the beginning of FY 2018

CMS reported 1,925 at the end of FY 2017, 1,830 at the beginning of FY 2018

HRSA reported 40 at the end of FY 2017, 35 at the beginning of FY 2018

IHS reported 25 at the end of FY 2017, 26 at the beginning of FY 2018

NIH reported 290 at the end of FY 2017, 284 at the beginning of FY 2018

OIG reported 39 at the end of FY 2017, 37 at the beginning of FY 2018

SAMHSA reported 29 at the end of FY 2017, 28 at the beginning of FY 2018

V. B. (1) Disposition of FOIA Requests - All Processed Requests

Agency / Component	Number of Full Denials	Number of Partial Denials	Number of Requests Exempted	Number of Requests Pending

Agency / Component	Grants Number of Full Grants	Partial Number Grants / of Partial Denials Grants /	Based on Number of Exemptions Full Denials Based on Exemptions	Number of All Records Based on Exemptions	
				No Records	Referred to Another All Records Component
				No Records	Referred to or Agency Another Component or Agency
OS	85	95	20	100	544
ACF	52	93	15	23	14
ACL	14	0	0	8	12
CDC	188	337	34	171	50
CMS	3,785	2,856	5,263	2,657	98
FDA	7,355	66	138	494	35
HRSA	72	107	11	48	10
IHS	31	25	13	19	1
NIH	792	173	20	115	17
OASH	101	38	16	27	11
OIG	549	213	248	210	75
SAMHSA	38	65	4	30	2
AGENCY OVERALL	13,062	4,068	5,782	3,902	869

V. B. (2) Disposition of FOIA Requests -- "Other" Reasons for "Full Denials Based on Reasons Other Than Exemptions"

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
OS	Unable to Locate or Contact Requester	5	5

Agency / Component	Description of "Other" Reasons for Denials from Chart B(1)	Number of Times "Other" Reason Was Relied Upon	TOTAL
CDC	Unable to Locate or Contact Requester	86	86
CMS	Unable to Locate or Contact Requester	123	129
	Cases aggregated after data entered separately into tracking system	6	
FDA	Unable to contact requester	90	100
	Request Opened in Error	10	
IHS	Directed Requester to Publicly Available Information	1	1
AGENCY OVERALL			321

V. B. (3). Disposition of FOIA Requests - Number of Times Exemptions Applied

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	E	I
OS	0	0	0	18	42	78	18	0	42		
ACF	0	0	0	53	9	92	1	1	8		
ACL	0	0	0	7	0	13	0	0	0		

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 8
CDC	0	2	32	92	131	301	6	1	1	1
CMS	0	0	72	623	108	7,049	9	37	1,196	
FDA	0	9	35	97	29	14	63	0	5	
HRSA	0	1	11	93	15	60	1	0	0	
IHS	0	0	1	13	10	20	0	0	0	
NIH	0	1	5	96	31	126	6	0	6	
OASH	0	1	3	19	10	39	2	0	9	
OIG	0	1	50	167	101	373	240	0	293	
SAMHSA	0	0	0	52	1	65	0	0	0	
AGENCY OVERALL	0	15	209	1,330	487	8,230	346	39	1,560	

VI. A. Administrative Appeals of Initial Determinations of FOIA Requests -- Received, Processed, and Pending Administrative Appeals

Agency / Component	Number of Appeals Pending as of Start of Fiscal Year	Number of Appeals Received in Fiscal Year	Number of Appeals Processed in Fiscal Year	Number of Appeals Pending as of End of Fiscal Year
OS	248	158	107	299
CMS	123	68	63	128
AGENCY OVERALL	371	226	170	427

After reviewing its database, HHS adjusted the number of appeals pending as of the start of the Fiscal Year.

VI. B. Disposition of Administrative Appeals -- All Processed Appeals

Agency / Component	Number Affirmed on Appeal	Number Partially Affirmed & Partially Reversed/Remanded on Appeal	Number Completely Reversed/Remanded on Appeal	Number of Appeals Closed for Other Reasons	TOTAL
		Partially Reversed/Remanded on Appeal	Partially Reversed/Remanded on Appeal		
OS	13	8	2	84	107
CMS	6	0	3	54	63
AGENCY OVERALL	19	8	5	138	170

VI. C. (1). Reasons for Denial on Appeal -- Number of Times Exemptions Applied

Agency / Component	Ex. 1	Ex. 2	Ex. 3	Ex. 4	Ex. 5	Ex. 6	Ex. 7(A)	Ex. 7(B)	Ex. 7(C)	Ex. 7(D)
OS	0	0	1	4	6	8	0	0	5	0
CMS	0	1	1	3	4	29	1	0	12	2
AGENCY OVERALL	0	1	2	7	10	37	1	0	17	2

VI. C. (2). Reasons for Denial on Appeal -- Reasons Other Than Exemptions

Agency / Component	No Records	Records Referred at Initial Request Level	Request Withdrawn	Fee-Related Reason	Records not Reasonably Described	It F for F
OS	4	23	21	0	0	
CMS	10	0	42	1	0	

AGENCY OVERALL	14	23	63	1	0
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VI. C. (3). Reasons for Denial on Appeal -- "Other" Reasons

Agency / Component	Description of "Other" Reasons for Denial on Appeal from Chart C(2)	Number of Times "Other" Reason Was Relied Upon	TOTAL
OS	Moot	84	84
CMS	Unable to Locate or Contact Requester	1	1
AGENCY OVERALL			85

VI.C.(4). RESPONSE TIME FOR ADMINISTRATIVE APPEALS

Agency / Component	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days
OS	120.89	245.08	1.00	978.00
CMS	559.00	529.00	1.00	1,340.00
AGENCY OVERALL	283.25	350.30	1.00	1,340.00

VI.C.(5). TEN OLDEST PENDING ADMINISTRATIVE APPEALS

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4t
OS	Date of Appeal	2014-06-06	2014-05-12	2014-04-02	2014-03-26	2014-03-18	2014-02-18	2014-01-08

Agency / Component		10th Oldest Appeal	9th	8th	7th	6th	5th	4th
CMS	Number of Days Pending	1078	1102	1130	1135	1141	1161	1
	Date of Appeal	2014-03-10	2014-03-10	2014-02-11	2013-08-28	2013-07-19	2013-06-04	2013-12-12
	Number of Days Pending	1147	1147	1165	1277	1305	1337	1
AGENCY OVERALL	Date of Appeal	2013-08-28	2013-08-19	2013-07-19	2013-06-04	2012-12-12	2012-04-23	2012-04-23
	Number of Days Pending	1277	1284	1305	1337	1456	1618	1

VII.A. FOIA REQUESTS -- RESPONSE TIME FOR ALL PROCESSED PERFECTED REQUESTS

Agency / Component	SIMPLE				COMPLEX	
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days
OS	8	29.53	<1	382	79	144.7
ACF	1.5	335.34	<1	959	22	132.77
ACL	10	14	0	50	N/A	N/A
CDC	5.5	12.25	<1	242	14	54.88

Agency / Component	SIMPLE				COMPLEX	
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days
CMS	17	15	<1	75	7	29
FDA	2	13.1	1	812	31	127.5
HRSA	6	8	<1	36	39	51
IHS	54	114	2	476	64	61
NIH	18	32	1	349	43	89
OASH	12.5	32.3	<1	273	126	146.95
OIG	1	2	1	20	16	41
SAMHSA	1	35	<1	220	13	38
AGENCY OVERALL	8.59	16.85	<1	959	26.53	84.94

VII.B. PROCESSED REQUESTS -- RESPONSE TIME FOR PERFECTED REQUESTS IN WHICH INFORMATION WAS GRANTED

Agency / Component	SIMPLE				COMPLEX	
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days
OS	31	57.56	3	316	124	197.85
ACF	917	562	2	952	40	151.88
ACL	10	14	<1	50	N/A	N/A
CDC	12	17.89	1	242	35.5	89.49
CMS	18	19	<1	75	20	47

Agency / Component	SIMPLE				COMPLEX	
	Median Number of Days	Average Number of Days	Lowest Number of Days	Highest Number of Days	Median Number of Days	Average Number of Days
FDA	2	13	1	812	31	127.1
HRSA	9	10	<1	36	36	50
IHS	40	50	2	180	66	65
NIH	20	33	1	349	57	104
OASH	8	20.81	<1	244	127	144.85
OIG	1	2	1	20	22	53
SAMHSA	110	110	1	220	14	41
AGENCY OVERALL	14.47	22.56	<1	952	39.87	101.78

VII.C. PROCESSED SIMPLE REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1 - 20 Days	21 - 40 Days	41 - 60 Days	61 - 80 Days	81 - 100 Days	101 - 120 Days	121 Days
OS	456	65	19	12	51	25	
ACF	11	8	0	0	0	0	
ACL	54	10	0	10	0	0	
CDC	344	60	13	4	3	0	
CMS	3,378	84	66	18	6	2	
FDA	165	371	399	389	419	411	
HRSA	146	13	0	0	0	0	
IHS	23	14	13	8	4	3	

Agency / Component	<1 - 20 Days	21 - 40 Days	41 - 60 Days	61 - 80 Days	81 - 100 Days	101 - 120 Days	121 Days
NIH	574	254	64	44	28	10	
OASH	50	12	3	2	2	2	
OIG	1,022	0	0	0	0	0	
SAMHSA	6	0	0	0	0	0	
AGENCY OVERALL	6,229	891	577	487	513	453	

VII.C. PROCESSED COMPLEX REQUESTS -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1 - 20 Days	21 - 40 Days	41 - 60 Days	61 - 80 Days	81 - 100 Days	101 - 120 Days	121 Days
OS	82	39	18	18	15	15	
ACF	121	41	18	8	6	5	
ACL	0	0	0	0	0	0	
CDC	437	134	53	30	16	15	
CMS	9,783	1,220	519	301	245	148	
FDA	82	194	209	256	315	281	
HRSA	0	56	18	12	9	2	
IHS	2	6	4	8	2	3	
NIH	80	39	25	17	15	10	
OASH	3	21	8	14	12	7	
OIG	288	67	30	24	16	16	
SAMHSA	83	17	13	5	7	2	

Agency / Component	<1 - 20 Days	21 - 40 Days	41 - 60 Days	61 - 80 Days	81 - 100 Days	101 - 120 Days	121 Days
AGENCY OVERALL	10,961	1,834	915	693	658	504	

VII.C. PROCESSED REQUESTS GRANTED EXPEDITED PROCESSING -- RESPONSE TIME IN DAY INCREMENTS

Agency / Component	<1 - 20 Days	21 - 40 Days	41 - 60 Days	61 - 80 Days	81 - 100 Days	101 - 120 Days	121 Days
OS	3	0	0	1	0	1	
ACF	1	0	0	0	0	0	
ACL	0	0	0	0	0	0	
CDC	2	6	1	0	0	1	
CMS	3	4	4	1	2	1	
FDA	0	0	0	0	0	0	
HRSA	0	0	0	0	0	0	
IHS	0	0	0	0	0	0	
NIH	0	0	0	0	0	0	
OASH	0	1	0	0	0	0	
OIG	0	0	0	0	0	0	
SAMHSA	0	0	0	0	0	0	
AGENCY OVERALL	9	11	5	2	2	3	

VII.D. PENDING REQUESTS -- ALL PENDING PERFECTED REQUESTS

Agency / Component	SIMPLE	COMPLEX

Agency / Component	SIMPLE Number	Median Number	Average Number	COMPLEX Number	Median Number	Average Number
	Pending	Number of Days	Number of Days	Pending	Number of Days	Number of Days
	Number Pending	Median Number of Days	Average Number of Days	Number Pending	Median Number of Days	Average Number of Days
OS	482	256.5	249	746	163	281
ACF	0	N/A	N/A	406	69	200
ACL	2	30	34	0	N/A	N/A
CDC	19	6	10	72	17	52
CMS	256	9	15	1653	105	189
FDA	73	29	97.8	2873	194	262.9
HRSA	5	6	6	28	65	58
IHS	64	140	172	2	180	180
NIH	173	27	68	265	216	211
OASH	153	126	130	78	72	114
OIG	0	N/A	N/A	23	16	90
SAMHSA	2	334	334	44	80	156
AGENCY OVERALL	1229	131.68	141.92	6190	153.58	231.21

VII.E. PENDING REQUESTS -- TEN OLDEST PENDING PERFECTED REQUESTS

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th
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Agency / Component		10th Oldest Request							
		9th	8th	7th	6th	5th	4th	3rd	2nd
OS	Date of Receipt	2013-11-25	2013-11-18	2013-11-04	2013-10-30	2013-10-29	2013-10-28	2013-10-27	2013-10-26
	Number of Days Pending	1219	1222	1231	1234	1235	1236	1237	1238
ACF	Date of Receipt	2014-07-28	2014-07-28	2014-07-08	2014-07-08	2014-06-18	2014-06-18	2014-06-17	2014-06-16
	Number of Days Pending	1048	1048	1062	1062	1075	1075	1076	1077
ACL	Date of Receipt	N/A	N/A	N/A	N/A	N/A	N/A	N/A	I
	Number of Days Pending	0	0	0	0	0	0	0	1
CDC	Date of Receipt	2018-04-18	2018-04-17	2018-04-16	2018-04-10	2018-02-22	2018-01-31	2018-01-30	2018-01-29
	Number of Days Pending	114	115	116	120	153	168	172	176
CMS	Date of Receipt	2014-02-21	2013-12-27	2013-12-20	2013-11-26	2013-11-14	2013-11-01	2013-10-29	2013-10-28

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	4th
FDA	Number of Days Pending	1151	1188	1193	1207	1221	1226	1230
	Date of Receipt	2013-01-30	2013-01-13	2013-01-08	2012-12-12	2012-10-03	2012-10-01	2012-09-26
HRSA	Number of Days Pending	1420	1423	1426	1443	1491	1493	1500
	Date of Receipt	2018-06-05	2018-06-04	2018-05-31	2018-05-24	2018-05-21	2018-05-17	2018-05-16
IHS	Number of Days Pending	81	82	84	88	91	91	92
	Date of Receipt	2017-10-27	2017-10-25	2017-10-13	2017-10-01	2017-02-21	2017-02-07	2017-02-01
NIH	Number of Days Pending	339	341	353	365	407	416	420
	Date of Receipt	2016-07-19	2016-07-13	2016-07-06	2016-06-29	2016-06-23	2016-06-13	2016-06-09

Agency / Component		10th Oldest Request	9th	8th	7th	6th	5th	
		Date of Receipt	2017-05-23	2017-05-10	2017-04-13	2017-04-12	2017-04-12	(
OASH	Number of Days Pending	340	349	368	369	369	412	
	Date of Receipt	2018-05-29	2018-05-29	2018-04-24	2018-04-04	2018-03-22	2018-02-27	(
OIG	Number of Days Pending	88	88	110	127	135	153	
	Date of Receipt	2017-07-17	2017-07-11	2017-06-13	2017-05-18	2017-03-06	2016-12-13	(
SAMHSA	Number of Days Pending	303	307	326	343	396	450	
	Date of Receipt	2013-01-30	2013-01-13	2013-01-08	2012-12-12	2012-10-03	2012-10-01	(
AGENCY OVERALL	Number of Days Pending	1420	1423	1426	1443	1491	1493	

VIII.A. REQUESTS FOR EXPEDITED PROCESSING

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate	Number Adjudicated Within Ten Calendar Days
OS	8	35	11	35.67	20
ACF	3	10	1	8.92	10
ACL	0	0	N/A	N/A	0
CDC	11	78	1	1.07	88
CMS	39	71	6	9	83
FDA	0	449	6	5	447
HRSA	0	5	0	0	5
IHS	0	0	N/A	N/A	N/A
NIH	0	23	0	0	0
OASH	1	0	1	1	1
OIG	0	0	N/A	N/A	N/A
SAMHSA	0	0	N/A	N/A	N/A
AGENCY OVERALL	62	671	5.37	6.8	654

VIII.B. Requests for Fee Waiver

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
OS	0	0	N/A	N/A
ACF	7	4	12	31.73

Agency / Component	Number Granted	Number Denied	Median Number of Days to Adjudicate	Average Number of Days to Adjudicate
ACL	0	0	N/A	N/A
CDC	8	115	1	0.3
CMS	26	40	3	7
FDA	0	0	N/A	N/A
HRSA	1	3	0	0
IHS	0	0	N/A	N/A
NIH	2	24	34	131
OASH	0	0	N/A	N/A
OIG	0	5	2	2
SAMHSA	0	0	N/A	N/A
AGENCY OVERALL	44	191	2.74	7.41

IX. FOIA Personnel and Costs

Agency / Component	PERSONNEL			COSTS	
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litig Rela Cost
OS	10	0.3	10.3	\$1,684,063.00	\$51,000.00
ACF	2.5	1.2	3.7	\$393,728.00	\$0.00

Agency / Component	PERSONNEL			COSTS	
	Number of "Full-Time FOIA Employees"	Number of "Equivalent Full-Time FOIA Employees"	Total Number of "Full-Time FOIA Staff"	Processing Costs	Litig Rela Cost
ACL	0	0.3	0.3	\$72,542.00	\$0.00
CDC	16	0	16	\$2,386,747.41	\$0.00
CMS	31	62	93	\$5,192,808.50	\$0.00
FDA	137	18	155	\$35,000,000.00	\$3,000,000.00
HRSA	4	1	5	\$560,896.00	\$0.00
IHS	2	0	2	\$206,870.00	\$0.00
NIH	19.92	4.41	24.33	\$2,824,507.25	\$0.00
OASH	3.5	2	5.5	\$583,188.00	\$4,000.00
OIG	3	1	4	\$290,420.00	\$0.00
SAMHSA	1	0	1	\$96,213.00	\$0.00
AGENCY OVERALL	229.92	90.21	320.13	\$49,291,983.16	\$1,400,000.00

X. Fees Collected for Processing Requests

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
OS	\$0.00	0.00%
ACF	\$0.00	0.00%
ACL	\$0.00	0.00%

Agency / Component	Total Amount of Fees Collected	Percentage of Total Costs
CDC	\$28,874.56	1.21%
CMS	\$371,865.71	7.16%
FDA	\$357,060.80	1.02%
HRSA	\$294.67	0.05%
IHS	\$0.00	0.00%
NIH	\$23,322.00	0.83%
OASH	\$133.50	0.02%
OIG	\$3,641.00	1.25%
SAMHSA	\$0.00	0.00%
AGENCY OVERALL	\$785,192.24	1.59%

XI.A. Number of Times Subsection (C) Used

Agency / Component	Number of Times Subsection Used
OS	0
ACF	0
ACL	0
CDC	0
CMS	0
FDA	0
HRSA	0
IHS	0
NIH	0

Agency / Component	Number of Times Subsection Used
OASH	0
OIG	0
SAMHSA	0
AGENCY OVERALL	0

XI.B. Number of Subsection (A)(2) Postings

Agency / Component	Number of Records Posted by the FOIA Office	Number of Records Posted by Program Offices
OS	1	18,695
ACF	0	0
ACL	0	0
CDC	0	0
CMS	8	145
FDA	450	16,000
HRSA	13	50
IHS	0	61
NIH	4	172
OASH	2	0
OIG	0	202
SAMHSA	0	0
AGENCY OVERALL	478	35,325

XII.A. Backlogs of FOIA Requests and Administrative Appeals

Agency / Component	Number of Backlogged Requests as of End of Fiscal Year	Number of Backlogged Appeals as of End of Fiscal Year
OS	1,184	295
ACF	383	N/A
ACL	2	N/A
CDC	24	N/A
CMS	1,353	126
FDA	2,666	N/A
HRSA	23	N/A
IHS	66	N/A
NIH	343	N/A
OASH	206	N/A
OIG	21	N/A
SAMHSA	35	N/A
AGENCY OVERALL	6,306	421

XII.B. CONSULTATIONS ON FOIA REQUESTS -- RECEIVED, PROCESSED, AND PENDING CONSULTATIONS

Agency / Component	Number of Consultations Received from Other Agencies that were <u>Pending</u> at the Agency as of <u>Start</u> of the Fiscal Year	Number of Consultations <u>Received</u> from Other Agencies During the Fiscal Year	Number of Consultations Received from Other Agencies that were <u>Processed by</u> the Agency During the Fiscal Year	Number of Consultatio
OS	23	48	11	
ACF	2	4	2	
ACL	0	0	0	
CDC	4	12	16	
CMS	0	0	0	
FDA	0	16	16	
HRSA	0	0	0	
IHS	0	0	0	
NIH	0	3	2	
OASH	0	0	0	
OIG	1	8	9	
SAMHSA	0	0	0	
AGENCY OVERALL	30	91	56	

After reviewing its database, HHS adjusted the number of consults pending as of the start of the Fiscal Year.

XII.C. CONSULTATIONS ON FOIA REQUESTS -- TEN OLDEST CONSULTATIONS RECEIVED FROM OTHER AGENCIES AND PENDING AT THE AGENCY

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th
OS	Date	2017-04-05	2017-03-27	2017-02-27	2017-01-12	2016-12-16	2016-09-1
	Number of Days	375	382	402	432	449	51
ACF	Date	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	
ACL	Date	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	
CDC	Date	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	
CMS	Date	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	
FDA	Date	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th
HRSA	Date	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	
IHS	Date	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	
NIH	Date	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	
OASH	Date	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	
OIG	Date	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	
SAMHSA	Date	N/A	N/A	N/A	N/A	N/A	N/A
	Number of Days	0	0	0	0	0	

Agency / Component		10th Oldest Consultation	9th	8th	7th	6th	5th
AGENCY OVERALL	Date	2017-04-05	2017-03-27	2017-02-27	2017-01-12	2016-12-16	2016-09-1
	Number of Days	375	382	402	432	449	51

XII.D.(1). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- REQUESTS RECEIVED AND PROCESSED

Agency / Component	<u>NUMBER OF REQUESTS RECEIVED</u>		<u>NUMBER OF REQUESTS PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
OS	1,293	1,573	770	1,016
ACF	165	533	332	290
ACL	28	75	30	74
CDC	163	1,186	1,295	1,219
CMS	18,016	17,926	18,142	17,791
FDA	11,062	10,256	10,881	9,925
HRSA	247	280	249	282
IHS	143	163	152	123
NIH	1,389	1,426	1,246	1,266

OASH	340	353	281	221
OIG	1,043	1,506	1,037	1,520
SAMHSA	133	168	134	149
AGENCY OVERALL	34,022	35,445	34,549	33,876

After reviewing its database, HHS adjusted the number of requests received and processed in FY17.

XII.D.(2). COMPARISON OF NUMBERS OF REQUESTS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED REQUESTS

Agency / Component	Number of Backlogged Requests as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report
OS	629	1,184
ACF	150	383
ACL	0	2
CDC	78	24
CMS	1,081	1,353
FDA	2,279	2,666
HRSA	26	23
IHS	15	66
NIH	152	343
OASH	72	206
OIG	30	21
SAMHSA	22	35
AGENCY OVERALL	4,534	6,306

After reviewing its database, HHS adjusted the number of backlogged requests as of the end of FY17.

XII.E.(1). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- APPEALS RECEIVED AND PROCESSED

Agency / Component	NUMBER OF APPEALS <u>RECEIVED</u>		NUMBER OF APPEALS <u>PROCESSED</u>	
	Number Received During Fiscal Year from Last Year's Annual Report	Number Received During Fiscal Year from Current Annual Report	Number Processed During Fiscal Year from Last Year's Annual Report	Number Processed During Fiscal Year from Current Annual Report
	154	158	118	107
CMS	62	68	123	63
AGENCY OVERALL	216	226	241	170

XII.E.(2). COMPARISON OF NUMBERS OF ADMINISTRATIVE APPEALS FROM PREVIOUS AND CURRENT ANNUAL REPORT -- BACKLOGGED APPEALS

Agency / Component	Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report	Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report
OS	235	295
CMS	116	126
AGENCY OVERALL	351	421

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